

August 2, 2018

Via ECF

Honorable Christine M. Gravelle
United States Bankruptcy Judge
United States Court House
402 East State Street
Trenton, NJ 08608

**Re: *In re Ante Markota*, Case No. 15-15565 (CMG);
Response to Debtor's Motion to Reopen (see Docket No. 154)**

Dear Judge Gravelle:

This firm is former counsel for John M. McDonnell, the former chapter 7 trustee (the "Trustee") for the estate of Ante Markota, the chapter 7 debtor (the "Debtor").

On August 1, 2018, the Debtor filed his motion to reopen his case (the "Debtor's Motion to Reopen"). *See* Docket No. 154. The Trustee files this brief repose to the Debtor's Motion to Reopen.

The Debtor's Motion to Reopen is not accurate and offers misleading information.

The Debtor's Motion to Reopen notes in relevant part "[t]he case was closed without a Discharge for failure to file a Financial Management Certificate along with the B23 form." *See* Docket No. 154.

This is simply not accurate. The Debtor was highly uncooperative in his original bankruptcy case and failed to turnover/disclose certain property and information. The Trustee eventually filed a Complaint objecting to the Debtor's discharge and the Debtor failed to respond.¹ On February 26, 2016, this Court entered an Order (the "Court's Judgment Order") granting judgment against the Debtor with this Court holding in part "debts be and hereby are nondischargeable pursuant to 11 U.S.C. §727". *See* Docket No. 9 at *McDonnell v. Markota*, Adv. Proc No. 15-02519-CMG.

The time to appeal the Court's Judgment Order and/or file a motion for reconsideration has long passed.

The Trustee respectfully submits, should this Court grant the Debtor's Motion to Reopen, the Debtor should not be granted a discharge of his debts, pursuant to the terms of the Court's Judgment Order.

¹ For further history of the Debtor's noncompliance in these proceedings – please see the Trustee's Complaint at Docket No. 1 at *McDonnell v. Markota*, Adv. Proc No. 15-02519-CMG.

Moreover, it appears the Debtor's certificate of financial management form was actually filed. *See* Docket No. 13.

Please contact me if Your Honor has any questions or requires additional information.

Respectfully submitted,

/s/ *Brian T. Crowley*
BRIAN T. CROWLEY